

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 14 May 2009. The Applicant acknowledges and appreciates the allowable subject matter of Claims 21-26.

The Examiner has rejected Claims 11-15 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Claims were considered indefinite because they depend on canceled independent Claim 1. Claims 11-15 have been amended to obviate the Examiner's rejections.

The Examiner has rejected Claims 10 and 16-20 under 35 U.S.C. § 103(a) as being obvious in view of Elkow, et al., U.S. Patent 3,658,373 when taken in combination with Malovich, U.S. Patent 3,853,077.

As clearly recited by previously presented Claim 10, Applicant's pit furnace closing system includes a furnace structure, two beams, stainless steel bars, pieces of cloth, and a support device. The two beams are disposed in a spaced parallel relation above the furnace structure with the stainless steel bars supported over the beams. As the Claim further clarifies, the support device has a superior portion extending out of the furnace structure. The superior portion is also substantially removed from the heat generated by the furnace structure. Among other things, the support device allows for the parts to be tempered to be suspended on the "inferior portion of the support device inside the furnace".

The full combinations of these and other features recited by the pending Claims are nowhere disclosed by the cited references. Note that the primarily-cited Elkow, et al. reference, albeit directed to a pit furnace, differs from the pit furnace closing system of the subject Patent Application in certain notable respects. For example, the “heat treating baskets 13 [is] supported on lifting bars 14 which have their upper ends engaged by a lifting fixture 15” (column 1, line 62 to column 2, line 1). Further, the embodiment in the Elkow, et al. reference does not disclose a pit furnace closing system but rather discloses “lifting bars 14 [comprising] an elongated body 25 which may have the substantially rectangular cross-section” (column 2, lines 17-19). The lifting fixture 15, which can also be seen in FIG. 1 of the Elkow, et al. reference, supports the heat treating baskets 13 through a couple of hooks 29 primarily for providing “a heat treating basket and lifting bar ... wherein the loads of the individual baskets will be distributed directly to the lifting bar” (column 1, lines 20-24). Thus, Elkow, et al. does not provide for “a pit furnace closing system, comprising ... two beams disposed in spaced parallel relation above the furnace structure ... pieces of cloth wrap ... used to close the furnace ... and a support device ... wherein, parts to the tempered are suspended on an inferior portion of the support device inside the furnace”, as is clearly recited by previously presented Claims 10 and 16.

Furthermore, it is apparent that Elkow, et al. neither provides for nor even contemplates a pit furnace closing system that has a support device hanging from the planar still screen of Claim 16 or the inferior portion of the support device in Claim 10. The very point of the Elkow, et al. reference is to “provide an improved heat treating basket ... wherein the loads of the individual baskets will be distributed directly to the lifting bar ... [and the] lifting logs projecting from the sidewall thereof are eliminated” (column 1, lines 21-26).

Given such contrary and deficient teachings of the primarily-cited Elkow, et al. reference, the disclosures of the secondarily-cited Malovich reference is found to be ineffectual to the present patentability analysis. Malovich was merely cited for disclosing “ceramic fiber blanket” that has better weight characteristics than “comparable brick and plastic lined covers” (column 2, lines 5-10). However, it should be noted that what Malovich discloses “are tracks 16, 18 upon which the soaking pit cover assembly will move from an open position to a closed position whereby cover 5 is positioned over the soaking pit 10” (column 2, lines 37-41). It is respectfully submitted that if the soaking pit cover assembly of the Malovich reference slides from an open to a closed position, and it will be physically impossible to actually suspend any item to be tempered from the pit cover assembly since the dangling item will inhibit the cover from sliding. Thus, the Malovich reference does not provide for “a support device ... wherein, parts to be

tempered are suspended on an inferior portion of the support device inside the furnace”, as is clearly recited in previously presented Claims 10 and 16.

Further still, combining the Malovich soaking pit cover assembly with stacked assembly of heat treating baskets 12 of the Elkow, et al. reference will render the structural advantages prescribed by the Elkow, et al. reference inoperable. The structural advantages will be compromised because the Malovich soaking pit cover assembly only provides for a cover that “can be pushed into and out of position by a vehicle or the like acting against the bumper” (column 2, lines 50-51). Such a structure teaches away from “a support device ... wherein, parts to be tempered are suspended on an inferior portion of the support device inside the furnace”, as is clearly recited by previously presented Claims 10 and 16.

It is respectfully submitted, therefore, that the cited Elkow, et al. and Malovich references, even when considered together, fail to disclose the unique combinations of features now more clearly recited by the pending Claims for the purposes and objectives disclosed in the subject Patent Application.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

If there are any further charges associated with this filing, the Director of Patents and Trademarks is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
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14 September 2009

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